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8	Hung Perry Nguyen, Joyce Freeman, and Christopher Hake	
9	UNITED STATES D	DISTRICT COURT
10	NORTHERN DISTRICT OF CALIFORNIA	
11	SAN JOSE DIVISION	
12		
13	In re	Case No. C 08-00201 JW
14	COMUNITY LENDING, INCORPORATED, a	Honorable James Ware
15	California corporation,	Bankruptcy Case No. 08-50030 (MM)
16	Debtor.	Chapter 11
17	MAI CHRISTINA PHAM, JOHN PHAM, MAI) Adv. Proc. No. 08-05006
18	NGUYEN, HUNG PERRY NGUYEN, and JOYCE FREEMAN,	PLAINTIFFS' AND COUNTER-
19	Plaintiffs,	DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY
20		JUDGMENT
21	VS.	Date: September 22, 2008
22	COMUNITY LENDING, INCORPORATED, a California corporation, and Does 1 through 10, inclusive,	Time: 9:00 a.m. Courtroom: 8, 4th Floor
23	Defendants.)
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26		
27		
28		
		Case No. C 08-00201 JW
	NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT	

0036012/001/ 37019v01

TO ALL PARTIES AND THEIR COUNSEL OF RECORD: 1 PLEASE TAKE NOTICE THAT on September 22, 2008, or as soon as they may be heard, Plaintiffs Mai Christina Pham, John Pham, Mai Nguyen, Hung Perry Nguyen, Joyce Freeman, and Christopher Hake ("Plaintiffs") will, and hereby do, move the United States District Court for summary judgment on the First and Third Causes of Action in the First Amended Complaint. This Motion is based upon Federal Rule of Civil Procedure Rule 56, this Motion, the attached Memorandum of Points and Authorities, the attached Declarations and Mai Christina Pham and Matthew Borden and exhibits thereto, the Declarations of John Pham, Mai Nguyen, Hung Perry Nguyen, Joyce Freeman, and Christopher Hake, and all other files and records in this action, and any further oral and documentary evidence as may be presented at or before the time of the hearing 10 11 of this Motion. 12 Dated: June 16, 2008 LINER YANKELEVITZ 13 SUNSHINE & REGENSTREIF LLP 14 15 By: 16 Matthew Borden Attorneys for Plaintiffs and 17 Counterdefendants Mai Christina Pham, John Pham, Mai Nguyen, Hung Perry 18 Nguyen, Joyce Freeman, and Christopher Hake 19 20 21 22 23 24 25 26 27 28 Case No. C 08-00201 JW NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT